

**TOWN OF WEBSTER**  
***Office of Selectmen***  
*945 Battle Street/Rte. 127*  
**Webster, NH 03303**

Webster Board of Selectmen's Meeting – October 5, 2009

7:00 P.M. Present: Chairman Thomas Mullins, David Klumb and Selectman George Hashem.

The Board signed the payroll and check manifests.

Selectman Klumb made a motion to accept the 9/21/09 Selectmen's minutes as written; seconded by Selectman Hashem and approved. Selectman Klumb made a motion to accept the non-public Selectmen's minutes of 9/25/09 as written; seconded by Selectman Hashem and approved. Selectman Klumb made a motion to accept the Selectmen's minutes of the 9/28/09 meeting as written (recessed from the 9/25/09 meeting); seconded by Selectman Hashem and approved. Selectman Klumb made a motion to accept the Selectmen's minutes of the non-public session of 9/28/09 meeting as written; seconded by Selectman Hashem and approved.

Chairman Mullins signed letters of thanks to Alan Hofmann for many years served on the Planning Board and Pat Inman for many years served on the Zoning Board of Adjustment, both having recently resigned from their respective Boards.

The Board signed the following for Administrative Assistant Judith Jones:

- Three medical leave slips for Mrs. Jones; and
- Three re-affirmations for the Solar Exemption for residents that did not have a permanent application on file.

The Board signed a medical leave slip for Financial Administrator Wendy Pinkham as well as a request for vacation from November 23<sup>rd</sup> to the 25<sup>th</sup>.

Lieutenant Philip Mitchell presented the semi-monthly Police Department report. As he had been on vacation he inquired of the Board as to the status of his employment, realizing that Chief Milano is entitled to his separation benefits which would have an affect on the police budget. Lt. Mitchell felt that the remaining budget would allow him to stay on through the year, taking into consideration the November and December insurance benefit savings from the Chief's resignation. He also advised that he would be willing to talk with Don Gross at any time. Selectman Hashem advised that the Board will review the remaining budget with Mrs. Pinkham after the Chief's severance pay is calculated. Lt. Mitchell requested that the Board rethink his taking the cruiser home everyday, at least temporarily, due to the current situation of staffing. The Board had no objection. Lt. Mitchell noted that the 2005 cruiser is still not fully repaired, but he will be able to use the SUV. There was discussion regarding the purchase order for the repairs to the cruiser. Selectman Klumb explained that the Expendable Trust was set up to be used only if the maintenance cost exceeded what was in the budget. Lt. Mitchell reminded the Board that the current maintenance budget may be needed for other maintenance expenses. The Board again explained the expendable trust process and its intent, suggesting that funds from this trust might be used to cover the \$1,000 deductible as is required by the Town's insurance should any of the cruisers be in an accident. Mrs. Jones inquired about the original vote to approve the PO for the cruiser repairs and withdrawal of funds. The Board advised that they had voted to expend "up to \$1,500" so the vote taken to expend from the expendable trust should stand as is. Lt. Mitchell also requested that the Board consider an expendable trust for future severance employee benefits.

Fire Chief Adam Pouliot, though not present, had provided the Board with the call numbers to date for the year.

Contoocook Well will come to the hall tomorrow to make recommendations for a resolution to the sediment problem plaguing the water lines.

Selectman Klumb made a motion to accept a donation of 24 folding chairs from the Contoocook Grange proposed by Dot Haskins; seconded by Selectman Hashem and approved. Bob Drown offered and will pick up the chairs after Mrs. Haskins makes the arrangement.

Resident George Cummings referred to the Board's "road trip" with the Road Agent for review of the roads made on September 18<sup>th</sup>, reminiscing of "trips" made when he was a Selectman. He noted that the minutes did not reflect any details of any action taken or projections of cost regarding the "trip", feeling that the work should be prioritized. He felt that the budget was already in trouble, exclusive of forthcoming snowstorms, as indicated by the Road Agent at previous meetings and that maybe it was an important fact of the minutes not included. Mr. Cummings discussed the cruiser repairs that were to come out of the expendable trust advising that the Board had changed where the funds were to come from, referring to the earlier explanation given by Selectman Hashem. He also referred to the 2009 Town Meeting minutes regarding Article 12 explaining that he did not believe the article as written would allow any use of the expendable trust for insurance deductibles. Selectman Hashem, referring to the use of the expendable trust being used for the insurance deductible, indicated that the deductible would represent repairs needed but not covered. Mr. Cummings referred to the wording of RSA 105-2A. Chairman Mullins responded by reading from a letter from the Town Attorney, stating that Mr. Cumming's position was incorrect and referenced the NH Supreme Court decision of *Ingersoll v Williams* 1978.

Resident Pam Mack had the following questions of the Board: 1. She requested an answer to an earlier Grapevine article referring to a \$7,000 savings from insurance benefits that would have been paid for Officer Jason Killary. Selectman Hashem again advised that the Board had individually reviewed the budget line by line with each giving their opinion of where the Town stood with the budget, all of which was explained in detail at an earlier Board meeting. Chairman Mullins again stated that so many costs were not fixed, noting that the Board can't neatly apportion the money, but must wait for actual events and must be flexible. Selectman Hashem indicated that Mrs. Mack had a very narrow view and that the Board was looking at the whole picture. 2. She then inquired about the savings from the Chief and whether it would go into the Police Department. The Board agreed that there may be savings, but could not yet make that projection. 3. She inquired about the hiring of a consultant and inquired as to how the Board could do this when they couldn't keep the Lieutenant. Selectman Hashem admitted that the Board was scratching from money, but did want safety, advising that the Board needs to plan and had never said that Lt. Mitchell would be gone as Mrs. Mack was now suggesting. The Board noted that the Board needed the help of a professional to help with a plan for the Police Department. Mrs. Mack continued to argue the point.

Resident Bruce Johnson had the following questions: 1. How did the Board find Don Gross and how was he qualified. Selectman Klumb advised that Mr. Gross was recommended by a local resident, that he wide experience working with Police Standards and Training Council after capping a 32 year career on the Nashua Police Department as its and that the Board had interviewed him to help lead the PD through the transition. He advised that Mr. Gross had lots of unique background and qualifications and was willing to help the Town. 2. He inquired about any employment agreement with Mr. Gross and whether his wages had been decided. Selectman Klumb advised that the Board had received an employment agreement today but had not had time to review it. 3. Mr. Johnson asked if the Board would be giving direction to Mr. Gross and would the Board share information, which the Board advised that yes they would share. Mr. Johnson wanted to know if residents would be able to meet with Mr. Gross. Chairman Mullins advised that there needed to be cost affective use of the time put in by Mr. Gross. Selectman Klumb noted that the Chief's resignation was not expected, forcing the Board to move quickly towards a solution. He advised that if an officer had been laid off the Board would not have been able to replace that position until the next annual town meeting. Mr. Johnson made inquires as to how the

budget worked from January to March referring to RSA 32:13 II. Selectman Klumb advised that next year's budget, until Town Meeting, is an extension of the previous year's budget with further

explanation being given by Chairman Mullins. The Board is trying to be pro-active. 4. Mr. Johnson noted that the Board had a responsibility regarding safety and protection as written by LGC in a publication and the State Constitution, which he read portion of, regarding safety and protection of the citizens. Chairman Mullins noted that Town Counsel disagrees with Mr. Johnson's reading of the law.

Resident Dick Foss read an excerpt from an earlier newspaper article mentioning Mr. Gross's name which in part related to the dangers police officers face every day and the protection they offer. He expressed concern about the relationship between our PD and the Board. He requested that the Board rebuild the Police Department with at least two full-time officers and then treat them with dignity and respect. He inquired as to whether Mr. Gross or Lt. Mitchell could ask other towns for mutual aid. Lt. Mitchell responded that once the Chief leaves he believes that the mutual aid agreement ends until a new Chief is appointed. Mr. Gross said that after speaking with the surrounding towns and other Chiefs of Police that the mutual aid would not be an issue and also noted that the State Police would respond in any situation. Mr. Foss asked if there was typically one officer on duty for a town our size. Mr. Gross agreed that this was not uncommon. Mr. Foss asked the Board what their position was regarding police coverage. Chairman Mullins responded that this is why the Board is asking an advisor for a recommendation and then would present those recommendations to the Town. Mr. Gross noted that a department is governed by the amount of funds spent, giving an example of the need of 5 ½ to 6 full-time officers to provided 24/7 coverage (meaning one officer on at any given time). Mr. Foss stressed that common sense dictated that at least two officers were needed for back-up, even though this would require even more than the 5 ½ to 6 full-time officers.

Resident Dave Buttrick inquired as to whether police time in court could be out-sourced. Lt. Mitchell stated that it must be the officer called to be the one to testify, i.e. for a ticket or an arraignment. The County Attorney does handle some of the misdemeanor cases at a reasonable fee.

Resident David Batchelder again reviewed the budget, as he had previously; agreeing that there is a shortfall of between \$12,800 and \$14,700 resulting in the question as to where to get the funds for the shortfall realizing that a special Town Meeting is not usually feasible without an emergency situation. He explained that the Board is governed by laws regarding the municipal budget process, recommended that folks go home and stop the fighting.

Mr. Cummings observed that Chairman Mullins said that Mr. Gross des not have any baggage. He then reminded folks that the three full-time police officer positions were voted on at an annual Town Meeting and were not a careless decision.

Resident Bob Drown discussed police coverage in towns of similar size suggesting that Webster's usual coverage far exceeded some of these towns and recommended that the Town should reconsider the staffing of the PD.

Resident Roy Fanjoy inquired as to whether any employment agreement with Mr. Gross would be sealed. Chairman Mullins said that it isn't public yet as it hasn't even been signed. However, whatever needed to be made public would be made available to the public. Mr. Fanjoy noted that coverage from the immediate surrounding Town's was available as well as through mutual aid.

Resident James Roberts inquired as to what folks were afraid of, noting that Webster was not a "city".

had been paid their "annual stipend" already this year, which she thought was unusual. Yes, the Board has been paid.

Mr. Cummings questioned how another Selectman could be paid if a replacement was needed. Mr. Batchelder indicated that the Board deserves whatever it is paid.

Resident John Little thanked the Board for the work they have done this year.

Resident Tracy Balch noted that the Board has been here every meeting and has worked very hard and sacrificed their time both in and out of the office, regardless of the outcome or individual feelings.

8:15 P.M. Selectman Klumb made a motion to go into non-public session per RSA 91-A:3 II (b) regarding personnel issues; seconded by Selectman Hashem. Roll call: Chairman Mullins – yes; Selectman Klumb – yes and Selectman Hashem – yes. Mrs. Jones was requested to attend this session as well as Mr. Gross.

9:00 P.M. Chairman Mullins reconvened the meeting advising that the Board met with Mr. Gross regarding personnel issues and the Board voted to seal the minutes.

Mrs. Pinkham presented a manifest for the Board's signature.

9:03 P.M. Selectmen Hashem made a motion to adjourn; seconded by Selectman Klumb and approved.

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Thomas S. Mullins-Chairman  
BOS/jj

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David E. Klumb

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George K. Hashem